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Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Werner Haug  
Serial No: 10/009,680  
Filed: October 20, 2001  
For: FRANKING MACHINE  
Examiner: Akiba K. Robinson Boyce  
Art Unit: 3628

Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**BRIEF ON APPEAL**

S I R:

Applicant hereby requests a two-month extension of the original shortened statutory period set by the Notice of Appeal of September 29, 2008. Enclosed is a credit card payment form in the amount of \$245.00 in payment of the government fee for a two-month extension of time.

02/02/2009 TL0011 00000010 10009680  
01 FC:2402 270.00 OP

02/02/2009 TL0011 00000010 10009680  
02 FC:2252 245.00 OP

This appeal is taken from the Final Action mailed March 24, 2008.

**Real Party in Interest**

The real party in interest in the above-identified application is:

FRAMA AG  
Kalchmatt  
CH-3438 Lauperswil  
Switzerland

**Related Appeals and Interferences**

There are no related appeals or interferences of which Applicant is aware regarding the above-identified application.

**Status of Claims**

Claims 1, 4 and 5 are pending in the application and are subject to the present appeal. Claims 2 and 3 have been canceled. Claim 1 stands rejected under 35 U.S.C. 102(b) over U.S. Patent No. 6,106,094 to Otani et al. Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) over Otani et al. in view of EP 0 376 575 to Gilham.

**Status of Amendments After Final Rejection**

An Amendment after final was filed on September 29, 2008, and entered by the Examiner.

**Summary of the Claimed Subject Matter**

The claimed invention will now be summarized with reference to the drawings being made by way of reference numerals.

**Independent Claim 1**

The claimed invention recites a franking machine with at least one print head of an inkjet print mechanism for printing flat postal objects such as letters or postcards insertable into or passing through the machine. The machine has a guide part arranged so as to project about the print head and further relative to its jet opening plane (see page 1, lines 5-7), having correlated therewith a transport device for transporting the postal objects between it and oppositely positioned conveying rollers rotating about axes oriented transverse to the conveying direction (see page 1, lines 7-10). The transport device has two drive rollers connected in driving connection with one another and forming together with the guide part a conveying path (see Fig. 1, and page 1, lines 10-13). The drive rollers (32, 33), when viewed in the conveying direction, are arranged before and behind the print head (see Fig. 1). The transport device further

has a counterpressure roller which exerts a pressure against one drive roller or the postal object transported therebetween and is reversibly liftable (see page 6, lines 4-6 and page 8, lines 20-29). A sensing wheel (38, 119) is arranged between the drive rollers (32, 33; 127, 113), which sensing wheel is driven by the postal object passing along it (see page 9, lines 4-6) and is correlated with an encoding device (122) for the purpose of speed and positioning monitoring of a postal object to be transported, respectively, for controlling printing on a postal object (see page 3, lines 1-6 and page 17, lines 8-10). The encoding device (122) is connected to a control unit connected to a computer (see page 17, lines 10-11). The sensing wheel (38, 119) is in drive connection with the drive roller (33, 113) arranged downstream in the conveying direction (see page 16, lines 9-11).

**Grounds of Rejection to be Reviewed on Appeal**

The following grounds are presented for review:

Whether claim 1 is anticipated under 35 U.S.C. 102(b) by Otani et al.

Whether claims 4 and 5 are unpatentable under 35 U.S.C. 103(a) over Otani et al. in view of Gilham.

ArgumentThe Rejection of Claim 1 under 35 U.S.C. 103(a):

In rejecting claim 1, the Examiner stated the following in the final rejection:

"As per claim 1, Otani et al discloses:

Franking machine with at least one print head of an inkjet print mechanism for printing flat postal objects such as letters or postcards, (Col. 6, lines 59-64, shows printing head, and the evaluation of printed letters), insertable into or passing through the machine, (Abstract, lines 1-3, shows printer apparatus with an input unit for printing input data), comprised of a guide part, (Col. 4, lines 49-50, show paper conveying portion constituted by a guide), and further relative to its jet a transport device for and oppositely positioned conveying rollers rotating about axes oriented transverse to the conveying direction, (Col. 4, lines 38-40, arranged so as to project about the print head, shows paper conveying unit conveys the printing paper beneath the printing heads, in this case, the paper conveying unit represents the transport device), wherein the transport device has two drive rollers connected driving connection with one another and forming together with the guide part a conveying path, which drive rollers, when viewed in the conveying direction, are arranged before and behind the print head, (Col. 18, lines 46-48, shows that each unit is constituted by a roller)... and which is reversibly liftable, (Col. 18, lines 35-37, shows a paper inversion unit for inverting the printing paper), wherein a sensing wheel (38, 119) is arranged between the drive rollers (32, 33; 127, 113) which sensing wheel is driven by the postal object passing along and is correlated with an encoding device (122) for the purpose of speed and position monitoring of a postal object to be transported, (col. 4, lines 48-52, shows paper conveying portion includes a sensor for detecting the position of the printing paper, and an encoder for detecting the sheet conveyance speed from the rotation speed of the roller), respectively, for controlling printing on a postal object. wherein the opening plane, having correlated therewith transporting

the postal objects between encoding device (122) is connected to a control unit connected to a computer, (Col. 4, lines 52-58, shows control portion).

Otani et al does not specifically disclose a counter pressure roller arranged opposite thereto, respectively, which exerts a pressure against one drive roller or the postal object transported there between, however, this limitation is inherent with Otani et al since Otani et al does disclose feed rollers at each printing unit as disclosed above. In the printing art, feed rollers rotate around an axis that is transverse to the direction of travel of the item of mail in order to move the item of mail along a guide path, and pressure rollers are included with drive rollers in order to apply a counter pressure on the item of mail against the printer so as to increase the transfer of ink to the item of mail. In other words, if no pressure roller was included in Otani et al's invention, no printing would take place.

As per claim 3, Otani et al discloses:

wherein the sensing wheel (38, 119) is in drive connection with the drive roller (33, 113) arranged downstream in the conveying direction, (Col. 30, lines 5-11, shows that the printing regions of the printing heads continue with respect to a direction of a printing width which is perpendicular to a conveyance direction of the print medium, thereby meaning that printing length is going in the same direction as the conveying direction)."

The reference to Otani et al. is directed to a printer for printing rapidly supplied data and includes an input unit for the input of printing information for printing on a print medium; the printer further includes a printing unit for printing a certain image on the print medium based on the input printing information; an inspection unit for monitoring the printing condition of the printing unit by comparing the input image to the image read on the print medium. Otani et al. further describe



an inspecting device with an image sensor unit for reading the image printed on the print medium; an input unit for the input of printing information which is printed on the print medium; and an inspecting unit for monitoring the state of the printing on the print medium by comparing the printed image on the print medium and the input printing information.

The reference to Otani relates to a printing device for continuously printing different data on paper at high speeds; the reference also relates to a control device for examining the printed data; the reference does not deal with a franking machine because a franking machine operates discontinuously, i.e. with interruptions for processing mail and shipment pieces. Letters, especially letters having different thicknesses, do not behave during operation in the same manner as paper sheets.

The Examiner's arguments in items 6 of the Office Action - referring back to item 3 - are not accurate; in column 6, lines 59 to 64, the use and the position of 4 printing heads and the control of the printed lettering are mentioned in the reference; however, the reference does not mention a "franking machine with at least... such as letters or postcards, insertable into or passing through the machine".

In the abstract, lines 1 to 3 of the reference, reference is made only to a printing apparatus for successively entering data at high speeds, wherein an input unit for printed information to be printed on a printing medium are to be entered into the printing unit and a printing medium to be printed. This tells the expert that he is dealing with a keyboard of a computer; even the figures, especially Figs. 27a and 27b give this impression.

The reference to column 5, lines 49 to 50, and the corresponding Figs. 1a, 1b, 18a and 18b, give the impression that Otani deals with individual paper sheets to be printed, which must be guided on their path of processing in the printing machine, wherein, for this purpose, a paper conveying device 110 is provided opposite of the printing heads or underneath the printing sheets. These features are only vaguely and imprecisely mentioned in Otani and are not comparable to the features of the guide device and the specific arrangement of the drive and counterpressure rollers in relation to the printing heads in the franking machine according to the present invention.

This significant difference appears when comparing the cited reference to column 18, lines 46 to 48; however, the reference also does not anticipate the present invention as claimed. In addition, the specific configuration of the guide card and the manner of

arranging the driverolls and counterrolls with respect to the printing head are of great significance in the application because this makes it possible to achieve the precise position and quality of the stamping.

"...and which is reversibly lifted", cited by the Examiner, deals in the present application with the raisible drive rollers and not, as indicated by the Examiner, and specifically refers to the forward and rearward movement of the paper sheets.

The reference to column 4, lines 48 to 52, makes it clear that Otani provides the paper sheet transport by means of rollers and a guidance for the paper sheets, and a sensor for determining the position of the paper sheet as well as a converter or comparator for determining the conveying speed and the roller speed. This is apparently a system which is monitoring the conveying speed on the basis of the roller speed. More precise statements which would be necessary for the comparison cannot be found in the passages referred to by the Examiner.

The following lines 52 to 58 in column 4 leave open the possibility of a change of the speed of the printed sheets in front

of the printer. However, means for achieving this cannot be found in the reference to Otani.

The different configuration of the guide part and the arrangement of the drive and counterrollers in relation to a printing head are absolutely required for a good operation, and therefore the present invention is clearly distinguished over the reference.

In this regard, the Examiner has referred to the passage on page 4, paragraph 2 of Otani, according to which "said first printing means has a printing head in which a plurality of printing heads for printing dots at a predetermined pitch in predetermined printing regions are arranged so that the printing regions of the printing heads substantially continue with respect to a direction of a printing width which is perpendicular to a conveyance direction of the print medium, ...".

However, these features of the reference do not in any way resemble the features of the independent claim of the present application. A configuration according to claim 1 is clearly of a different type from the device according to the reference.

Thus, it is submitted that the rejection of claim 1 under 35

U.S.C. 102(b) over the above-discussed reference is in error.

**The Rejection of Claims 4 and 5 under 35 U.S.C. 103(a):**

In rejecting claims 4 and 5, the Examiner stated the following in the final rejection:

"As per claims 4, 5, Otani et al does not specifically disclose wherein, laterally to the counterpressure roller 114) cooperating with the drive roller 113), a friction wheel (109) is provided which is concentric to and freely rotatably supported relative to the counterpressure roller and can be brought into drive connection by the counterpressure levers (6A, 68; 120) with the drive roller (33, 113) which friction wheel drives a further friction wheel (126) by means of an intermediate gear formed of intermediate wheels, the further friction wheel being in drive connection with the sensing wheel/wherein the further friction wheel (126) is supported with the counterpressure roller (115, 114) on a multi-part lever (101) and is movable against the sensing wheel (38, 119) counter to a spring force, however does disclose a printer apparatus for successively printing input data at a high speed having an input unit in the abstract, lines 1-2, that includes a paper conveying portion constituted by a roller and guide for feeding the printing paper in col. 4, lines 48-49.

However, as taught by Gilham, the conveyor portion would contain at least two conveyor rollers that rotate around an axis that is transverse to the direction of travel of the item of mail in order to move the item of mail along a guide path and would include a pressure roller located opposite of the printer in order to apply a counter pressure on the item of mail against the printer so as to increase the transfer of ink to the item of mail, as demonstrated in col. 3, lines 21-27, where it discloses an impression roller together with feed rollers that feed the tape past the print head.

However, in regard to the structure use in claims 4 and 5 to provide the counter pressure, since it is noted that, items of mail may not be the same thickness, it would have been obvious to

one of ordinary skill in the art at the time of the applicant's invention for the system of Otani et al as interpreted by Gilham to use a friction wheel/a further friction wheel by means of an intermediate gear formed of intermediate wheels/a multi-part lever movable against the sensing wheel counter to a spring force, with the motivation of using any suitable structure that would have some flexibility in applying a constant counter pressure against the printer regardless of the thickness of an item of mail, such as friction rollers, lever and spring, absent applicant's showing of new and unexpected results from a particular structural arrangement."

The reference to Gilham cited against claims 4 and 5 relates to a stamp dispensing device with a dispensing apparatus into which a franking tape 10 can be inserted. The franking tape has a physical property 11 which corresponds to a franking value. Moreover, the dispensing device includes conveying means 24, 25, 27 for transporting the franking tape or dispensing a portion of the franking tape which constitutes a stamp, as well as control means 12, 31 for the conveying means, so that the latter dispense a stamp of a certain value, wherein the physical property of the stamp constitutes the franking value of the stamp which has been dispensed as a portion.

The Examiner once again refers with respect to Gilham to a roller arrangement which is supposedly similar to the embodiments of Figs. 4 and 5 of the present application. However, a careful review of the reference does not reveal a configuration corresponding to claims 4 and 5, even in combination with a

franking machine; the passage on column 3, lines 21 to 27, of the reference are also not applicable.

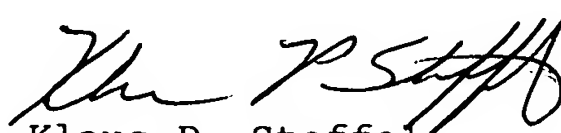
### Conclusion

Accordingly, in view of the above considerations, it is Applicant's position that the Examiner's rejection of claim 1 under 35 U.S.C. 102(b) and his rejection of claims 4 and 5 under 35 U.S.C. 103(a) are in error and should be reversed.

The amount of \$270.00 to cover the fee for filing an appeal brief is being charged as per attached form PTO-2038. Any additional fees or charges required at this time in connection with this application should be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 29, 2009.

By:   
Klaus P. Stoffel

Date: January 29, 2009



Claims Appendix

1. Franking machine with at least one print head of an inkjet print mechanism for printing flat postal objects such as letters or postcards insertable into or passing through the machine, comprised of a guide part arranged so as to project about the print head and further relative to its jet opening plane, having correlated therewith a transport device for transporting the postal objects between it and oppositely positioned conveying rollers rotating about axes oriented transverse to the conveying direction, wherein the transport device has two drive rollers connected in driving connection with one another and forming together with the guide part a conveying path, which drive rollers, when viewed in the conveying direction, are arranged before and behind the print head, and has a counterpressure roller arranged opposite thereto, respectively, which exerts a pressure against one drive roller or the postal object transported therebetween and is reversibly liftable, wherein a sensing wheel (38, 119) is arranged between the drive rollers (32, 33; 127, 113) which sensing wheel is driven by the postal object passing along it and is correlated with an encoding device (122) for the purpose of speed and positioning monitoring of a

postal object to be transported, respectively, for controlling printing on a postal object, wherein the encoding device (122) is connected to a control unit connected to a computer, wherein the sensing wheel (38, 119) is in drive connection with the drive roller (33, 113) arranged downstream in the conveying direction.

4. Machine according to claim 1, wherein, laterally to the counterpressure roller (15, 114) cooperating with the drive roller (33, 113), a friction wheel (109) is provided which is concentric to and freely rotatingly supported relative to the counterpressure roller and can be brought into drive connection by the counterpressure levers (6A, 6B; 120) with the drive roller (33, 113), which friction wheel drives a further friction wheel (126) by means of an intermediate gear formed of intermediate wheels, the further friction wheel being in drive connection with the sensing wheel (38, 119).

5. Machine according to claim 4, wherein the further friction wheel (126) is supported with the counterpressure roller (15, 114) on a multi-part lever (101) and is movable against the sensing wheel (38, 119) counter to a spring force.

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**Evidence Appendix**

**N.A.**

**Related Proceedings Appendix**

There are no related proceedings.